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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/286,794 04/06/99 BAER

M 28076/SV703A

EXAMINER

QM12/0816

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ART UNIT	PAPER NUMBER
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3726 *y*
DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09286794

Applicant(s)

Baer et al

Examiner

Blount

Group Art Unit

3726

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 10-17 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 10-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3726

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16 and 17 are rejected under 35 U.S.C. 112 second paragraph for failing to particularly point out and distinctly claim the subject which the applicant regards as their invention.

In claims 16 and 17, "the bearing assembly" lack antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by either U.S. patent 3,575,531 to Buckingham or French patent 1.165.543 to Philips Gloeilampenfabrieken.

With regard to claim 10, Buckingham teaches assembling motor shaft 42 with shaft extension 46 and having a retainer (the member to the horizontal left (about an inch) of the end of the arrow which leads away from the numeral 40 in the figure) tightened onto the motor shaft, and having the second end of the shaft extension 46 installed into lower assembly 16.

Art Unit: 3726

Philips teaches motor shaft 5 and its shaft extension 15 wherein the shaft and its extension have a retainer 7 tightened onto the shaft, and a second end of the shaft extension is installed into lower assembly 19/21/29.

With regard to claim 15, Buckingham teaches bearing 16, while Philips teaches the bearing at 29.

5. Claims 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 3,575,531 to Buckingham.

With regard to claim 17, Buckingham teaches the invention as described in paragraph 2 above, including roller ball bearing members 14 (see column 2, lines 34+).

With regard to claim 14, Buckingham teaches the invention as described in paragraph 2 above. Note that member 44 of Buckingham can be considered to be an impeller.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 12, 13, and 16 are rejected under 35 U.S.C. 103(a) as being obvious over either U.S. patent 3,575,531 to Buckingham or French patent 1.165.543 to Philips Gloeilampenfabrieken.

Art Unit: 3726

With regard to claims 11-12, Buckingham and Philips teach the invention as described in paragraph 2 above. Buckingham and Philips do not, however, teach the shaft extension to be either hexagonal, or square in its circumferential shape.

The shape of a shaft extension is a matter of design choice wherein no stated problem is solved or any new or unusual result achieved by having the shaft extension of the invention be square, hexagonal, or some other shape.

With regard to claim 13, Buckingham and Philips teach the invention as described in paragraph 2 above. Buckingham and Philips do not, however, teach the nut 7 (Philips) or the nut member to the left of the end of arrow 40 (Buckingham) to be threaded.

Official notice is taken that it is well known in the art to have nuts threaded internally.

With regard to claim 16, Buckingham and Philips teach the invention as described in paragraph 2 above. Buckingham and Philips do not, however, explicitly teach the bearing assembly to comprise a powdered metal bearing.

Official notice is taken that bearing materials are commonly comprised of powdered metals.

Contact Information


9. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580. Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response.

Application/Control Number: 09286794

Page 5

Art Unit: 3726

10. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700



sb

August 14, 2000